

103D CONGRESS
1ST SESSION

H. R. 2995

To further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, to establish the Commission on Information Technology and Paperwork Reduction, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 6, 1993

Mr. SISISKY (for himself, Mr. CLINGER, Mr. LAFALCE, Mr. MICHEL, Mr. MAZZOLI, Mr. MCDADE, Mr. WISE, Mrs. MEYERS of Kansas, Mr. SKELTON, Mr. BACHUS of Alabama, Mr. BAKER of California, Mr. MORAN, Mr. BATEMAN, Mr. COOPER, Ms. PRYCE of Ohio, Mrs. LLOYD, Mr. BLUTE, Ms. BYRNE, Ms. ESHOO, Mr. BOEHNER, Mr. VALENTINE, Mr. BONILLA, Mr. OBERSTAR, Mr. BUNNING, Ms. KAPTUR, Mr. BURTON of Indiana, Mrs. MALONEY, Mr. PAYNE of Virginia, Mr. CASTLE, Mr. STENHOLM, Mr. COMBEST, Mr. LANCASTER, Mr. DELAY, Mr. MCCURDY, Mr. DOOLITTLE, Mr. PICKETT, Mr. EMERSON, Ms. LAMBERT, Mr. FAWELL, Mr. PETE GREEN of Texas, Mr. GOODLATTE, Mr. ORTON, Mr. GOODLING, Mr. JACOBS, Mr. GUNDERSON, Mr. MONTGOMERY, Mr. GREENWOOD, Mr. BILBRAY, Mr. HOBSON, Mr. DARDEN, Mr. INGLIS of South Carolina, Mr. KIM, Mr. SARPALIUS, Mr. KINGSTON, Ms. HARMAN, Mr. KOLBE, Mr. HASTINGS, Mr. MACHTLEY, Mr. HEFNER, Mr. MCCANDLESS, Mr. HOLDEN, Mr. HUGHES, Mr. MCHUGH, Mr. JOHNSON of South Dakota, Mr. PETRI, Mr. CRAMER, Mr. PARKER, Mr. PORTER, Mr. POSHARD, Mr. PORTMAN, Mr. ROWLAND, Mr. RIDGE, Ms. SHEPHERD, Mr. ROBERTS, Mr. FINGERHUT, Mrs. ROUKEMA, Mr. ROTH, Mr. SCHIFF, Mr. SENSENBRENNER, Mr. SHAYS, Mr. SKEEN, Mr. SUNDQUIST, Mr. TALENT, Mr. THOMAS of Wyoming, Mr. TORKILDSSEN, Mr. UPTON, Mr. WALSH, Mr. WELDON, Mr. ZELIFF, Mr. ZIMMER, and Mr. SAM JOHNSON of Texas) introduced the following bill; which was referred to the Committee on Government Operations

A BILL

To further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, to establish the Commission on Information Technology and Paperwork Reduction, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Paperwork Reduction
5 Act of 1993”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The contents of this Act are as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

Sec. 101. Authorization of appropriations.

TITLE II—REDUCING THE BURDEN OF FEDERAL PAPERWORK ON THE PUBLIC

Sec. 201. Reemphasizing the need to reduce the burden of Federal paperwork
on the public.

Sec. 202. Coverage of all federally sponsored paperwork burdens.

Sec. 203. Paperwork reduction goals.

TITLE III—ENHANCING FEDERAL AGENCY RESPONSIBILITY AND ACCOUNTABILITY FOR REDUCING THE BURDEN OF FEDERAL PAPERWORK

Sec. 301. Designating an agency official responsible and publicly accountable
for reducing the burden of Federal paperwork.

Sec. 302. Agency responsibilities for controlling and reducing the burden of
Federal paperwork.

TITLE IV—ENHANCING GOVERNMENT RESPONSIBILITY AND ACCOUNTABILITY FOR REDUCING THE BURDEN OF FEDERAL PAPERWORK

- Sec. 401. Reemphasizing the responsibility of the director to control the burden of Federal paperwork.
- Sec. 402. Enhancing agency responsibility to obtain public review of proposed paperwork burdens.
- Sec. 403. Expediting review at the Office of Management and Budget.
- Sec. 404. Improving public and agency scrutiny of paperwork burdens proposed for renewal.
- Sec. 405. Protection for whistleblowers of unauthorized paperwork burden.
- Sec. 406. Enhancing public participation.
- Sec. 407. Expediting review of an agency information collection request with a reduced burden.

TITLE V—ENHANCING AGENCY RESPONSIBILITY FOR SHARING AND DISSEMINATING PUBLIC INFORMATION

- Sec. 501. Prescribing governmentwide standards for sharing and disseminating public information.
- Sec. 502. Agency responsibilities for sharing and disseminating public information.
- Sec. 503. Agency information inventory/locator system.

TITLE VI—ADDITIONAL GOVERNMENT INFORMATION MANAGEMENT RESPONSIBILITY

- Sec. 601. Strengthening the statistical policy and coordination functions of the Director.
- Sec. 602. Use of electronic information collection and dissemination techniques to reduce burden.
- Sec. 603. Agency implementation.
- Sec. 604. Automatic data processing equipment plan.
- Sec. 605. Technical and conforming amendments.

TITLE VII—EFFECTIVE DATES

- Sec. 701. Effective dates.

1 **TITLE I—AUTHORIZATION OF** 2 **APPROPRIATIONS**

3 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

4 Section 3520(a) of title 44, United States Code, is
5 amended by striking out “\$5,500,000 for each of the fiscal
6 years 1987, 1988, and 1989.” and inserting in lieu thereof
7 “\$7,000,000 for fiscal year 1994, \$7,500,000 for fiscal
8 year 1995, \$8,000,000 for fiscal year 1996, \$8,500,000
9 for fiscal year 1997, and \$9,000,000 for fiscal year
10 1998.”.

1 **TITLE II—REDUCING THE BUR-**
2 **DEN OF FEDERAL PAPER-**
3 **WORK ON THE PUBLIC**

4 **SEC. 201. REEMPHASIZING THE NEED TO REDUCE THE**
5 **BURDEN OF FEDERAL PAPERWORK ON THE**
6 **PUBLIC.**

7 Section 3501 of title 44, United States Code, is
8 amended to read as follows:

9 **“§ 3501. Purposes**

10 “The purposes of this chapter are to—

11 “(1) minimize the Federal paperwork burden
12 for individuals, small businesses, educational and
13 nonprofit institutions, Federal contractors, State
14 and local governments, and other persons;

15 “(2) minimize the cost to the Federal Govern-
16 ment of collecting, maintaining, using, retaining,
17 sharing, and disseminating information;

18 “(3) maximize the usefulness of information
19 collected, maintained, used, retained and shared by
20 the Federal Government;

21 “(4) coordinate, integrate and, to the extent
22 practicable and appropriate, make uniform Federal
23 information policies and practices;

1 “(5) ensure that government information re-
2 sources management is conducted in an efficient and
3 cost effective manner to—

4 “(A) improve the quality of decisionmaking
5 and program management and administration;

6 “(B) improve the quality and timeliness of
7 services delivered to the public;

8 “(C) increase productivity;

9 “(D) reduce waste and fraud;

10 “(E) facilitate the sharing of information;

11 “(F) ensure the integrity, quality and util-
12 ity of the Federal statistical system; and

13 “(G) reduce burden upon the public;

14 “(6) ensure that the collection, maintenance,
15 use, retention, sharing, and disseminating of infor-
16 mation by or for the Federal Government is consist-
17 ent with applicable laws;

18 “(7) establish the responsibility and public ac-
19 countability of Federal agencies for implementing
20 the information collection review process, informa-
21 tion resources management, and related policies and
22 guidance established pursuant to this chapter;

23 “(8) ensure that automatic data processing,
24 telecommunications and other information tech-

1 nologies are acquired and used by the Federal Gov-
2 ernment in an effective and efficient manner that—

3 “(A) improves service delivery and pro-
4 gram management;

5 “(B) increases productivity;

6 “(C) improves the quality of decisionmak-
7 ing;

8 “(D) reduces waste and fraud;

9 “(E) maximizes the return on investment
10 from the application of Government information
11 and information technology resources over their
12 life cycle; and

13 “(F) wherever practicable and appropriate,
14 reduces the information processing burden for
15 the Federal Government and for persons who
16 provide information, keep records and otherwise
17 disclose information to and for the Federal
18 Government; and

19 “(9) strengthen the partnership between the
20 Federal Government with State and local govern-
21 ments by minimizing the burden and maximizing the
22 utility of information collected and shared.”.

1 **SEC. 202. COVERAGE OF ALL FEDERALLY SPONSORED PA-**
2 **PERWORK BURDENS.**

3 Section 3502 of title 44, United States Code, is
4 amended—

5 (1) by amending paragraph (3) to read as
6 follows:

7 “(3) the term ‘burden’ means the time, effort,
8 financial resources, and opportunity costs imposed
9 on persons to generate, capture, assemble, process,
10 maintain, and report information to or for a Federal
11 agency, including—

12 “(A) the resources expended for obtaining,
13 reviewing and understanding applicable instruc-
14 tions and requirements;

15 “(B) developing a way to comply with the
16 applicable instructions and requirements;

17 “(C) adjusting the existing ways to comply
18 with any previously applicable instructions and
19 requirements;

20 “(D) searching existing data sources;

21 “(E) obtaining, compiling and maintaining
22 the necessary data;

23 “(F) implementing recordkeeping require-
24 ments;

25 “(G) completing and reviewing the collec-
26 tion of information;

1 “(H) retaining, sharing, notifying, report-
2 ing, transmitting, labeling, or otherwise disclos-
3 ing to third parties or the public the informa-
4 tion involved; and

5 “(I) carrying out any other information
6 transaction which occurs as a result of the
7 collection of information;”;

8 (2) in paragraph (4) by striking out “of facts
9 or opinions by” and inserting in lieu thereof
10 “(through maintenance, retention, notifying, report-
11 ing, labeling or disclosure to third parties or the
12 public) of facts or opinions by or for”; and

13 (3) in paragraph (17) by inserting “, including
14 the retention, reporting, notifying, or disclosure to
15 third parties or the public of such records” before
16 the period.

17 **SEC. 203. PAPERWORK REDUCTION GOALS.**

18 Section 3505 of title 44, United States Code, is
19 amended to read as follows:

20 **“§ 3505. Assignment of tasks and deadlines**

21 “In carrying out the functions under this chapter, the
22 Director shall—

23 “(1) set a Governmentwide goal, consistent with
24 improving agency management of the process for the
25 review of each collection of information established

1 under section 3506(e), to reduce by September 30,
2 1994, the burden of Federal collections of informa-
3 tion existing on September 30, 1993, by at least 5
4 percent;

5 “(2) for the fiscal year beginning on October 1,
6 1994, and the following 3 fiscal years, set a Govern-
7 mentwide goal, consistent with improving agency
8 management of the process for the review of each
9 collection of information established under section
10 3506(e), to reduce the burden of Federal collections
11 of information existing at the end of the immediately
12 preceding fiscal year by at least 5 percent;

13 “(3) in establishing the Governmentwide goal
14 pursuant to paragraph (2), establish a goal for each
15 agency that—

16 “(A) represents the maximum practicable
17 opportunity to reduce the paperwork burden
18 imposed upon the public by such agency’s col-
19 lections of information, after considering the
20 recommendations of the senior agency official
21 designated under section 3506(b)(1); and

22 “(B) permits the attainment of the Gov-
23 ernmentwide goal when such agency’s goal is
24 aggregated with the individual goals of all other

1 agencies included in the Governmentwide goal;
2 and

3 “(4) in each report issued under section 3514,
4 beginning with the report relating to fiscal year
5 1994, identify any agency initiatives to reduce the
6 burden of the Federal collections of information as-
7 sociated with—

8 “(A) businesses, especially small businesses
9 and those engaged in international competition;

10 “(B) State and local governments; and

11 “(C) educational institutions.”.

12 **TITLE III—ENHANCING FED-**
13 **ERAL AGENCY RESPONSIBIL-**
14 **ITY AND ACCOUNTABILITY**
15 **FOR REDUCING THE BURDEN**
16 **OF FEDERAL PAPERWORK**

17 **SEC. 301. DESIGNATING AN AGENCY OFFICIAL RESPON-**
18 **SIBLE AND PUBLICLY ACCOUNTABLE FOR**
19 **REDUCING THE BURDEN OF FEDERAL PA-**
20 **PERWORK.**

21 Section 3506 of title 44, United States Code, is
22 amended—

23 (1) in subsection (a)—

1 (A) by striking “Each agency” and insert-
2 ing in lieu thereof “The head of each agency”;
3 and

4 (B) by inserting “resources” after “its in-
5 formation”;

6 (2) in subsection (b)—

7 (A) by inserting “(1)” before “The head of
8 each agency”; and

9 (B) by adding at the end thereof the fol-
10 lowing new paragraphs:

11 “(2) The senior official designated under para-
12 graph (1) shall be the head of an office, established
13 by the head of the agency, responsible for assuring
14 agency compliance with and prompt, efficient, and
15 effective implementation of the information collection
16 review process, information resources management,
17 and related policies and guidance established pursu-
18 ant to this chapter.

19 “(3) Staff to such office shall be well qualified
20 through experience or training to carry out the in-
21 formation collection review process, information re-
22 sources management, and related policies and guid-
23 ance established under this chapter.”; and

24 (3) in subsection (c)—

1 (A) by striking out “and” after the semi-
2 colon at the end of paragraph (7);

3 (B) by striking out the period at the end
4 of paragraph (8) and inserting in lieu thereof
5 a semicolon; and

6 (C) by adding at the end thereof the fol-
7 lowing new paragraphs:

8 “(9) prepare estimates of burden that will re-
9 sult from proposed collections of information;

10 “(10) develop and maintain a strategic Infor-
11 mation Resources Management Plan, in accordance
12 with guidance from the Director, for the application
13 of information resources to support the agency’s
14 specified mission goals as articulated through its
15 strategic mission planning process;

16 “(11) establish oversight procedures, in accord-
17 ance with guidance provided by the Director, to im-
18 prove the life cycle management of the agency’s
19 major information systems; and

20 “(12) assess the agency’s efforts to have pro-
21 gram offices manage Government information re-
22 sources by using performance measures that exam-
23 ine such factors as quality and timeliness of service
24 delivery to the public, productivity of program ad-
25 ministration, ability to prevent or reduce fraud, and

1 the burden of Government's information collection
2 practices on the public.”.

3 **SEC. 302. AGENCY RESPONSIBILITIES FOR CONTROLLING**
4 **AND REDUCING THE BURDEN OF FEDERAL**
5 **PAPERWORK.**

6 Section 3506 of title 44, United States Code (as
7 amended by section 301 of this Act) is further amended
8 by adding at the end thereof the following new sub-
9 sections:

10 “(e) The head of each agency, acting through the sen-
11 ior official designated under subsection (b)(1), shall estab-
12 lish an efficient, and effective process for the prompt re-
13 view of each information collection request before it is sub-
14 mitted to the Director for review and approval under this
15 chapter. At a minimum, this review process shall—

16 “(1) be sufficiently independent of program re-
17 sponsibilities to evaluate whether each information
18 collection request should be carried out;

19 “(2) be provided sufficient personnel and other
20 resources to carry out such review responsibility ef-
21 fectively; and

22 “(3) have authority (independent of agency pro-
23 gram officers) to approve, disapprove, and make
24 needed improvements in any agency collection of in-
25 formation.

1 “(f) Under the process established under subsection
2 (e), the senior official designated under subsection (b)(1)
3 shall certify (and provide a record supporting such certifi-
4 cation, including any pertinent public comments received
5 by the agency) to the Director that—

6 “(1) the collection of information and any appli-
7 cable instructions and requirements—

8 “(A) are necessary for the proper perform-
9 ance of the agency’s functions and are the least
10 burdensome necessary;

11 “(B) are not unnecessarily duplicative of
12 information otherwise reasonably accessible to
13 the agency;

14 “(C) have practical utility;

15 “(D) are written using plain, coherent, and
16 unambiguous terminology;

17 “(E) are to be implemented in ways con-
18 sistent and compatible, to the maximum extent
19 practicable, with the existing reporting and rec-
20 ordkeeping practices of those who are to
21 respond;

22 “(F) are understandable to those who are
23 to respond;

24 “(G) display on the information collection
25 request, to the extent practicable, the agency

1 estimate of the burden for each response, cal-
2 culated in accordance with the procedures es-
3 tablished by the Director under section
4 3504(c)(5);

5 “(H) use information technology to reduce
6 burden and improve agency responsiveness to
7 the public;

8 “(I) use effective and efficient statistical
9 survey methodology appropriate to the need for
10 which the information is to be collected; and

11 “(J) explain the need and ultimate use of
12 the information to be collected, and the impor-
13 tance of an accurate and timely response; and
14 “(2) the agency has taken necessary steps to—

15 “(A) except as provided in section 3507 (g)
16 and (k), give 60-day notice to, and consult with
17 members of the public and interested agencies,
18 in order to—

19 “(i) enhance the clarity of the pro-
20 posed collection of information;

21 “(ii) solicit comment on the agency es-
22 timate of the burden for each response for
23 such collection of information; and

24 “(iii) minimize the burden of such col-
25 lection of information on those who are to

1 respond, including the appropriate use of
2 automated collection technics or other
3 forms of information technology;

4 “(B) evaluate the proposed collection of in-
5 formation and any applicable instructions and
6 requirements, by developing and conducting—

7 “(i) an assessment of need;

8 “(ii) a functional description of the in-
9 formation to be collected;

10 “(iii) a plan for the practical collec-
11 tion of information;

12 “(iv) a specific, objectively supported
13 estimation of burden, including each trans-
14 action involved; and

15 “(v) a test of the collection of infor-
16 mation through a pilot or prototype pro-
17 gram, if appropriate;

18 “(C) plan and allocate resources for the ef-
19 ficient and effective management and use of the
20 information to be solicited; and

21 “(D) reduce burdens on businesses (espe-
22 cially small businesses and those engaged in
23 international competition), State and local gov-
24 ernments, and educational institutions, through
25 consideration of such alternatives as—

1 “(i) establishing differing compliance
2 or reporting requirements or timetables in
3 recognition of the resources available to
4 those who are to respond;

5 “(ii) the clarification, consolidation, or
6 simplification of compliance and reporting
7 requirements; and

8 “(iii) an exemption from coverage of
9 the collection of information, or any part
10 thereof.”.

11 **TITLE IV—ENHANCING GOVERN-**
12 **MENT RESPONSIBILITY AND**
13 **ACCOUNTABILITY FOR RE-**
14 **DUCE THE BURDEN OF**
15 **FEDERAL PAPERWORK**

16 **SEC. 401. REEMPHASIZING THE RESPONSIBILITY OF THE**
17 **DIRECTOR TO CONTROL THE BURDEN OF**
18 **FEDERAL PAPERWORK.**

19 Section 3504(c) of title 44, United States Code, is
20 amended—

21 (1) in paragraph (3) by redesignating subpara-
22 graphs (B) and (C) as subparagraphs (C) and (D),
23 respectively, and inserting after subparagraph (A)
24 the following new subparagraph:

1 “(B) display, to the extent practicable, an
2 estimate of the burden for each response;”;

3 (2) by amending paragraphs (5) and (6) to
4 read as follows:

5 “(5) establishing procedures under which an
6 agency is to estimate the burden under this chapter
7 to comply with the proposed collection of informa-
8 tion;

9 “(6) coordinating with the Office of Federal
10 Procurement Policy to eliminate paperwork burdens
11 associated with procurement and acquisition;”;

12 (3) by striking out the period at the end of
13 paragraph (7) and inserting in lieu thereof a semi-
14 colon; and

15 (4) by adding at the end thereof the following
16 new paragraphs:

17 “(8) minimizing the Federal paperwork burden
18 imposed through Federal collection of information,
19 with particular emphasis on those individuals or en-
20 tities most adversely affected, including—

21 “(A) businesses, especially small businesses
22 and those engaged in international competition;

23 “(B) State and local governments; and

24 “(C) educational institutions; and

1 “(9) initiating and conducting, with selected
2 agencies and non-Federal entities on a voluntary
3 basis, pilot projects to test or demonstrate the fea-
4 sibility and benefit of changes or innovations in Fed-
5 eral policies, rules, regulations, and agency proce-
6 dures to improve information management practices
7 and related management activities (including author-
8 ity for the Director to waive the application of des-
9 ignated agency regulations or administrative direc-
10 tives after giving timely notice to the public and
11 Congress regarding the need for such waiver).”.

12 **SEC. 402. ENHANCING AGENCY RESPONSIBILITY TO OB-**
13 **TAIN PUBLIC REVIEW OF PROPOSED PAPER-**
14 **WORK BURDENS.**

15 Section 3507(a) of title 44, United States Code, is
16 amended—

17 (1) in paragraph (2)(B) by inserting “a sum-
18 mary of the request,” after “title for the information
19 collection request,”;

20 (2) by striking out “and” at the end of para-
21 graph (2); and

22 (3) by redesignating paragraph (3) as para-
23 graph (4) and inserting after paragraph (2) the
24 following:

1 “(3) the agency provides at least 30 days for
2 public comment to the agency and the Office of
3 Management and Budget after publication of the no-
4 tice in the Federal Register, except as provided
5 under section 3507 (g) and (k), and the agency head
6 and the Director consider comments received regard-
7 ing the proposed collection of information; and”.

8 **SEC. 403. EXPEDITING REVIEW AT THE OFFICE OF MAN-**
9 **AGEMENT AND BUDGET.**

10 Section 3507(b) of title 44, United States Code, is
11 amended—

12 (1) by striking out the first sentence and insert-
13 ing in lieu thereof “The Director shall within 30
14 days after publication of the notice under subsection
15 (a)(3) that is applicable to a proposed information
16 collection request not contained in a proposed rule,
17 notify the agency involved of the decision to approve
18 or disapprove the proposed information collection re-
19 quest and shall make such decisions publicly avail-
20 able. Any decision to disapprove an information col-
21 lection request shall include an explanation of the
22 reasons for such decision.”;

23 (2) by striking out “sixty” each place it appears
24 and inserting “30” in each such place;

1 (3) by striking out “thirty” and inserting in
2 lieu thereof “30”; and

3 (4) by striking out “one” and inserting in lieu
4 thereof “1”.

5 **SEC. 404. IMPROVING PUBLIC AND AGENCY SCRUTINY OF**
6 **PAPERWORK BURDENS PROPOSED FOR RE-**
7 **NEWAL.**

8 (a) APPROVAL OF INFORMATION COLLECTION RE-
9 QUEST.—Section 3507(d) of title 44, United States Code,
10 is amended—

11 (1) by inserting “(1)” after “(d)”; and

12 (2) by adding at the end thereof the following:

13 “(2)(A) If the head of the agency, or the senior offi-
14 cial designated under section 3506(b)(1), decides to seek
15 extension of the Director’s approval granted for a cur-
16 rently approved information collection request, the agency
17 shall, through the notice prescribed in subsection
18 (a)(2)(B) and such other practicable steps as may be rea-
19 sonable, seek comment from the agencies, and the public
20 on the continued need for, and burden imposed by, the
21 collection of information.

22 “(B) The agency, after having made a reasonable ef-
23 fort to seek comment under subparagraph (A), but no
24 later than 60 days before the expiration date of the control

1 number assigned by the Director for the currently ap-
2 proved information collection request, shall—

3 “(i) evaluate the public comments received;

4 “(ii) conduct the review established under sec-
5 tion 3506(e); and

6 “(iii) provide to the Director the certification
7 required by section 3506(f), including the text of the
8 certification and any additional relevant information
9 regarding how the information collection request
10 comports with the principles and requirements of
11 this chapter.

12 “(C) Upon receipt of such certification, and prior to
13 the expiration of the control number for that information
14 collection request, the Director shall—

15 “(i) ensure that the agency has taken the ac-
16 tions specified under section 3506(f)(2);

17 “(ii) evaluate the public comments received by
18 the agency or by the Director;

19 “(iii) determine whether the agency certification
20 complies with the standards under section
21 3506(f)(1); and

22 “(iv) approve or disapprove the information col-
23 lection request under this chapter.

24 “(3) If a certification is not provided to the Director
25 prior to the beginning of the 60-day period before the expi-

1 ration of the control number as provided under paragraph
2 (2)(B), the agency shall submit the information collection
3 request for review and approval or disapproval under this
4 chapter.

5 “(4) An agency may not make a substantive or mate-
6 rial modification to an information collection request after
7 it has been approved by the Director, unless the modifica-
8 tion has been submitted to the Director for review and
9 approval or disapproval under this chapter.”.

10 (b) APPROVAL OF INFORMATION COLLECTION RE-
11 QUIREMENTS.—Section 3507 of title 44, United States
12 Code, is further amended by adding at the end thereof
13 the following new subsections:

14 “(i)(1) As soon as practicable, but no later than pub-
15 lication of a notice of proposed rulemaking in the Federal
16 Register, each agency shall forward to the Director a copy
17 of any proposed rule which contains a collection of infor-
18 mation requirement and upon request, information nec-
19 essary to make the determination required under this
20 chapter.

21 “(2) Within 60 days after the notice of proposed rule-
22 making is published in the Federal Register, the Director
23 may file public comments under the standards set forth
24 in section 3508 on the collection of information require-
25 ment contained in the proposed rule.

1 “(3) When a final rule is published in the Federal
2 Register, the agency shall explain how any collection of
3 information requirement contained in the final rule re-
4 sponds to the comments, if any, filed by the Director or
5 the public, or explain the reasons such comments were re-
6 jected.

7 “(4) The Director has no authority to disapprove any
8 collection of information requirement specifically con-
9 tained in an agency rule, if the Director has received no-
10 tice and failed to comment on the rule within 60 days after
11 the notice of proposed rulemaking.

12 “(5) No provision in this section shall be construed
13 to prevent the Director, at the discretion of such officer,
14 from—

15 “(A) disapproving any information collection re-
16 quest which was not specifically required by an
17 agency rule;

18 “(B) disapproving any collection of information
19 requirement contained in an agency rule, if the
20 agency failed to comply with the requirements of
21 paragraph (1) of this subsection;

22 “(C) disapproving any collection of information
23 requirement contained in a final agency rule, if the
24 Director finds within 60 days after the publication
25 of the final rule that such a collection of information

1 requirement cannot be approved under the standards
2 set forth in section 3508, after reviewing the agen-
3 cy's response to the comments of the Director filed
4 under paragraph (2) of this subsection; or

5 “(D) disapproving any collection of information
6 requirement, if the Director determines that the
7 agency has substantially modified, in the final rule,
8 the collection of information requirement contained
9 in the proposed rule and the agency has not given
10 the Director the information required under para-
11 graph (1) with respect to the modified collection of
12 information requirement, at least 60 days before the
13 issuance of the final rule.

14 “(6) The Director shall make publicly available any
15 decision to disapprove a collection of information require-
16 ment contained in an agency rule, together with the rea-
17 sons for such decision.

18 “(7) The authority of the Director under this sub-
19 section is subject to subsection (c).

20 “(8) This subsection shall apply only when an agency
21 publishes a notice of proposed rulemaking and requests
22 public comments.

23 “(9) The decision of the Director to approve or not
24 to act upon a collection of information requirement con-

1 tained in an agency rule shall not be subject to judicial
2 review.

3 “(j)(1) If the head of the agency, or the senior official
4 designated under section 3506(b)(1), decides to seek ex-
5 tension of the Director’s approval granted for a currently
6 approved collection of information requirement, the agency
7 shall, through the notice prescribed in subsection
8 (a)(2)(B) and such other practicable steps as may be rea-
9 sonable, seek comment from the agencies, and the public
10 on the continued need for, and burden imposed by, the
11 collection of information requirement.

12 “(2) The agency, after having made a reasonable ef-
13 fort to seek comment under paragraph (1), but no later
14 than 60 days before the expiration date of the control
15 number assigned by the Director for the currently ap-
16 proved collection of information requirement, shall—

17 “(A) evaluate the public comments received;

18 “(B) conduct the review established under sec-
19 tion 3506(e); and

20 “(C) provide to the Director the certification re-
21 quired by section 3506(f), including the text of the
22 certification and any additional relevant information
23 regarding how the collection of information require-
24 ment comports with the principles and requirements
25 of this chapter.

1 “(3) Upon receipt of such certification, and prior to
2 the expiration date of the control number for that collec-
3 tion of information requirement, the Director shall—

4 “(A) ensure that the agency has taken the ac-
5 tions specified in section 3506(f)(2);

6 “(B) evaluate the public comments received by
7 the agency or by the Director;

8 “(C) determine whether the agency certification
9 complies with the standards under section
10 3506(f)(1); and

11 “(D) approve or disapprove the collection of in-
12 formation requirement under this chapter.

13 “(4) If under the provisions of paragraph (3), the Di-
14 rector disapproves a collection of information requirement,
15 or recommends or instructs the agency to make a sub-
16 stantive or material change to a collection of information
17 requirement, the Director shall—

18 “(A) publish an explanation thereof in the Fed-
19 eral Register; and

20 “(B) instruct the agency to undertake a rule-
21 making within a reasonable time limited to consider-
22 ation of changes to the collection of information re-
23 quirement and thereafter to submit the collection of
24 information requirement for approval or disapproval
25 under this chapter.

1 “(5) Nothing in this subsection affects the review
2 process for a collection of information requirement con-
3 tained in a proposed rule, including a proposed change to
4 an existing collection of information requirement, under
5 subsection (i) with respect to such collection of informa-
6 tion requirement.

7 “(6) The Director may not approve a collection of
8 information requirement for a period in excess of 3
9 years.”.

10 **SEC. 405. PROTECTION FOR WHISTLEBLOWERS OF UNAU-**
11 **THORIZED PAPERWORK BURDEN.**

12 Section 3507(h) of title 44, United States Code, is
13 amended in the second sentence by inserting before the
14 period “, and any communication relating to a collection
15 of information, the disclosure of which could lead to retal-
16 iation or discrimination against the communicator”.

17 **SEC. 406. ENHANCING PUBLIC PARTICIPATION.**

18 Section 3517 of title 44, United States Code, is
19 amended—

20 (1) by inserting “(a)” before “In development”;

21 and

22 (2) by adding at the end thereof:

23 “(b)(1) Under procedures established by the Direc-
24 tor, a person may request the Director to review any col-

1 lection of information conducted by or for an agency to
2 determine, if—

3 “(A) the collection of information is subject to
4 the requirements of this chapter;

5 “(B) the collection of information has been ap-
6 proved in conformity with this chapter; and

7 “(C) the person that is to respond to the collec-
8 tion of information is entitled to the public protec-
9 tions afforded by this chapter.

10 “(2) Any review requested under paragraph (1), un-
11 less the request is determined frivolous or does not on its
12 face state a valid basis for such review, shall—

13 “(A) be completed by the Director within 60
14 days after receiving the request, unless such period
15 is extended by the Director to a specified date and
16 the person making the request is given notice of
17 such extension;

18 “(B)(i) be coordinated with the agency respon-
19 sible for the collection of information to which the
20 request relates; and

21 “(ii) be coordinated with the Administrator for
22 Federal Procurement Policy, if the request relates to
23 a collection of information applicable to an actual or
24 prospective Federal contractor or subcontractor at
25 any tier; and

1 “(C) result in a written determination by the
2 Director, that shall be—

3 “(i) furnished to the person making the re-
4 quest; and

5 “(ii) made available to the public upon re-
6 quest (and listed and summarized in the annual
7 report required under section 3514), unless con-
8 fidentiality is requested by the person making
9 the request.”.

10 **SEC. 407. EXPEDITING REVIEW OF AN AGENCY INFORMA-**
11 **TION COLLECTION REQUEST WITH A RE-**
12 **DUCED BURDEN.**

13 Section 3507 of title 44, United States Code (as
14 amended by section 404(b) of this Act) is further amended
15 by adding at the end thereof the following new subsection:

16 “(k) Upon request by the head of an agency, the Di-
17 rector shall approve a proposed change to an existing in-
18 formation collection request (unless such proposed change
19 is subject to subsection (i)) within 30 days after the Direc-
20 tor receives the proposed change. The information collec-
21 tion request shall thereafter remain in effect at least for
22 the remainder of the period for which it was previously
23 approved by the Director, if—

24 “(1) the information collection request has a
25 current control number; and

1 “(2) the Director determines that the revi-
2 sion—

3 “(A) reduces the burden resulting from the
4 information collection request; and

5 “(B) does not substantially change the in-
6 formation collection request.”.

7 **TITLE V—ENHANCING AGENCY**
8 **RESPONSIBILITY FOR SHAR-**
9 **ING AND DISSEMINATING**
10 **PUBLIC INFORMATION**

11 **SEC. 501. PRESCRIBING GOVERNMENTWIDE STANDARDS**
12 **FOR SHARING AND DISSEMINATING PUBLIC**
13 **INFORMATION.**

14 Section 3504(h) of title 44, United States Code, is
15 amended to read as follows:

16 “(h) The functions of the Director related to agency
17 dissemination and sharing of public information shall in-
18 clude—

19 “(1) developing policies and practices for agen-
20 cy dissemination and sharing of public information
21 consistent with the agency responsibilities under sec-
22 tion 3506(g); and

23 “(2) developing policy guidelines that instruct
24 Federal agencies on ways to fulfill agency respon-

1 sibilities to disseminate and share information that,
2 to the extent appropriate and practicable—

3 “(A) make information dissemination prod-
4 ucts available on timely, equitable and cost
5 effective terms;

6 “(B) encourage a diversity of public and
7 private information dissemination products;

8 “(C) avoid establishing, or permitting oth-
9 ers to establish, exclusive, restricted, or other
10 distribution arrangements that interfere with
11 the availability of information dissemination
12 products on a timely and equitable basis; and

13 “(D) avoid establishing restrictions or reg-
14 ulations, including the charging of fees or royal-
15 ties, on the reuse, resale, or redissemination of
16 Federal information dissemination products by
17 the public; and

18 “(E) set user charges for information dis-
19 semination products at a level sufficient to re-
20 cover the cost of dissemination, except—

21 “(i) where otherwise required by stat-
22 ute;

23 “(ii) where the information is col-
24 lected, processed, and disseminated for the

1 benefit of a specific identifiable group be-
2 yond the benefit to the general public; or
3 “(iii) where user charges are estab-
4 lished at less than cost of dissemination
5 because of a determination that higher
6 charges would interfere with the proper
7 performance of the agency’s functions.”.

8 **SEC. 502. AGENCY RESPONSIBILITIES FOR SHARING AND**
9 **DISSEMINATING PUBLIC INFORMATION.**

10 Section 3506 of title 44, United States Code (as
11 amended by sections 301 and 302 of this Act) is further
12 amended by adding at the end thereof the following new
13 subsection:

14 “(g) The head of each agency shall, to the extent ap-
15 propriate and practicable, and in conformance with the
16 policy guidelines established under section 3504(h), estab-
17 lish and maintain a management system for the dissemi-
18 nation and sharing of information that—

19 “(1) ensures that the public has timely, equi-
20 table and cost-effective access to the agency’s infor-
21 mation dissemination products;

22 “(2) disseminates and shares information in a
23 manner that achieves the best balance between maxi-
24 mizing the usefulness of the information and mini-
25 mizing the cost to the Government and the public;

1 “(3) takes advantage of all appropriate chan-
2 nels, Federal and non-Federal, including State and
3 local governments, libraries and private sector enti-
4 ties, in discharging agency responsibilities for the
5 dissemination and sharing of information;

6 “(4) considers whether an information dissemi-
7 nation product available from other Federal or non-
8 Federal sources is equivalent to an agency informa-
9 tion dissemination product and reasonably achieves
10 the objectives of the agency;

11 “(5) establishes and maintains inventories of all
12 agency information dissemination products in con-
13 formance with the requirements of section 3511;

14 “(6) establishes and maintains communications
15 with members of the public and with State and local
16 governments so that the agency shares information
17 and otherwise creates information dissemination
18 products that meet their respective needs; and

19 “(7) provides adequate notice when initiating,
20 substantially modifying, or terminating significant
21 information dissemination products.”.

22 **SEC. 503. AGENCY INFORMATION INVENTORY/LOCATOR**
23 **SYSTEM.**

24 (a) IN GENERAL.—Section 3511 of title 44, United
25 States Code, is amended to read as follows:

1 **“§ 3511. Inventory systems of information dissemina-**
2 **tion products**

3 “(a) Each agency having significant information dis-
4 semination products shall establish and maintain a com-
5 prehensive inventory of such products, which shall include,
6 at a minimum, the title of each such product, an abstract
7 of the contents of each product, the media in which each
8 product is available, and the cost, if any, of each product,
9 subject to any requirements promulgated pursuant to sub-
10 section (c).

11 “(b) The inventory created pursuant to subsection (a)
12 shall be made available for public access by electronic
13 means, and in such other media as are appropriate and
14 practicable, at no charge to the public.

15 “(c) The Director, in consultation with the Secretary
16 of Commerce, the Archivist of the United States, the Pub-
17 lic Printer, and the Librarian of Congress, may establish
18 a mechanism for developing technical standards and other
19 minimum requirements for the agency inventory systems
20 created under subsection (a).”.

21 (b) TECHNICAL AND CONFORMING AMENDMENT.—
22 The table of sections for chapter 35 of title 44, United
23 States Code, is amended by amending the item relating
24 to section 3511 to read as follows:

“3511. Inventory systems of information dissemination products.”.

1 **TITLE VI—ADDITIONAL GOVERN-**
2 **MENT INFORMATION MAN-**
3 **AGEMENT RESPONSIBILITY**

4 **SEC. 601. STRENGTHENING THE STATISTICAL POLICY AND**
5 **COORDINATION FUNCTIONS OF THE DIREC-**
6 **TOR.**

7 Section 3504(d) of title 44, United States Code, is
8 amended to read as follows:

9 “(d)(1) The statistical policy and coordination func-
10 tions of the Director shall include—

11 “(A) coordinating and providing leadership for
12 development of the Federal statistical system;

13 “(B) developing and periodically reviewing and,
14 as necessary, revising long-range plans for the im-
15 proved coordination and performance of the statis-
16 tical activities and programs of the Federal Govern-
17 ment;

18 “(C) ensuring the integrity, objectivity, impar-
19 tiality and confidentiality of the Federal statistical
20 system;

21 “(D) reviewing budget proposals of agencies to
22 ensure that the proposals are consistent with such
23 long-range plans and developing a summary and
24 analysis of the budget submitted by the President to

1 the Congress for each fiscal year of the allocation for
2 all statistical activities;

3 “(E) coordinating, through the review of budget
4 proposals and as otherwise provided under this chap-
5 ter, the functions of the Federal Government with
6 respect to gathering, interpreting and sharing statis-
7 tics and statistical information;

8 “(F) developing and implementing Government-
9 wide policies, principles, standards and guidelines
10 concerning statistical collection procedures and
11 methods, statistical data classification, statistical in-
12 formation presentation and sharing, and such statis-
13 tical data sources as may be required for the admin-
14 istration of Federal programs;

15 “(G) evaluating statistical program perform-
16 ance and agency compliance with Governmentwide
17 policies, principles, standards and guidelines;

18 “(H) promoting the timely release by agencies
19 of statistical data to the public;

20 “(I) coordinating the participation of the
21 United States in international statistical activities;

22 “(J) preparing an annual report to submit to
23 the Congress on the statistical policy and coordina-
24 tion function;

1 “(K) integrating the functions described under
2 this paragraph with the other information resources
3 management functions specified under this chapter;
4 and

5 “(L) appointing a chief statistician who is a
6 trained and experienced professional to carry out the
7 functions described under this paragraph.

8 “(2) The Director shall establish an interagency
9 working group on statistical policy, consisting of the heads
10 of the agencies with major statistical programs, headed
11 by the chief statistician to coordinate agency activities in
12 carrying out the functions under paragraph (1).

13 “(3) The Director shall provide opportunities for
14 long-term training in the statistical policy functions of the
15 chief statistician to employees of the Federal Government.
16 Each trainee shall be selected at the discretion of the Di-
17 rector based on agency requests and shall serve for at least
18 6 months and no more than 1 year. All costs of the train-
19 ing are to be paid by the agency requesting training.”.

20 **SEC. 602. USE OF ELECTRONIC INFORMATION COLLECTION**
21 **AND DISSEMINATION TECHNIQUES TO RE-**
22 **DUCE BURDEN.**

23 Section 3504(g)(1) of title 44, United States Code,
24 is amended—

1 (1) by inserting “development and” after
2 “overseeing the”; and

3 (2) by inserting “(including standards that im-
4 prove the ability of agencies to use technology to
5 reduce burden)” after “establishment of standards”.

6 **SEC. 603. AGENCY IMPLEMENTATION.**

7 Section 3514(a) of title 44, United States Code, is
8 amended—

9 (1) in paragraph (9)(C) by striking out “and”
10 at the end thereof;

11 (2) in paragraph (10)(C) by striking out the pe-
12 riod and inserting in lieu thereof a semicolon; and

13 (3) by adding at the end thereof the following
14 new paragraphs:

15 “(11) a listing of any increase in the burden
16 imposed on the public during the year covered by the
17 report resulting from a collection of information con-
18 ducted or sponsored by or for an agency, which was
19 imposed by such agency—

20 “(A) as specifically mandated by the provi-
21 sion of a statute; or

22 “(B) as necessary to implement a statutory
23 requirement, which requirement shall be identi-
24 fied with particularity; and

1 “(12) a description of each such agency’s ef-
2 forts in implementing, and plans to implement, the
3 applicable policies, standards and guidelines with re-
4 spect to the functions under this chapter; and

5 “(13) a strategic information resources man-
6 agement plan for the Federal Government, developed
7 in consultation with the Administrator of General
8 Services, the Secretary of Commerce, and the Archi-
9 vist of the United States, that includes an analysis
10 of cross-cutting issues of Governmentwide impor-
11 tance.”.

12 **SEC. 604. AUTOMATIC DATA PROCESSING EQUIPMENT**
13 **PLAN.**

14 Section 3504(g) of title 44, United States Code, is
15 amended—

16 (1) by redesignating paragraphs (3), (4), and
17 (5) as paragraphs (4), (5), and (6), respectively; and

18 (2) by inserting after paragraph (2) the follow-
19 ing new paragraph:

20 “(3) developing and annually revising, in con-
21 sultation with the Administrator of General Services,
22 a 5-year plan for meeting the automatic data proc-
23 essing equipment (including telecommunications)
24 and other information technology needs of the Fed-
25 eral Government in accordance with the require-

1 ments of sections 110 and 111 of the Federal Prop-
2 erty and Administrative Services Act of 1949 (40
3 U.S.C. 757 and 759) and the purposes of this
4 chapter;”.

5 **SEC. 605. TECHNICAL AND CONFORMING AMENDMENTS.**

6 (a) DEFINITIONS.—Section 3502(10) of title 44,
7 United States Code, is amended by striking out “the Fed-
8 eral Housing Finance Board” and inserting in lieu thereof
9 “Federal Housing Finance Board”.

10 (b) REVIEW PERIODS.—Section 3507(g)(1) of title
11 44, United States Code, is amended to read as follows:
12 “(1) is needed prior to the expiration of the time periods
13 for public notice and review by the Director pursuant to
14 the requirements of this chapter,”.

15 (c) DIRECTOR REVIEW.—Section 3513(a) of title 44,
16 United States Code, is amended in the first sentence by
17 inserting “resources” after “information”.

18 (d) RESPONSIVENESS.—Section 3514(a) of title 44,
19 United States Code, is amended—

20 (1) in paragraph (9)(A) by inserting “and” at
21 the end thereof;

22 (2) in paragraph (9)(B) by striking out the
23 semicolon and inserting a period; and

24 (3) by striking out paragraph (9)(C).

1 **TITLE VII—EFFECTIVE DATES**

2 **SEC. 701. EFFECTIVE DATES.**

3 (a) IN GENERAL.—Except as provided in subsection
4 (b), the provisions of this Act shall become effective 120
5 days after the date of the enactment of this Act.

6 (b) IN PARTICULAR.—Section 101 and this section
7 shall become effective upon the date of the enactment of
8 this Act.

○

★HR 2995 IH1S—2

★HR 2995 IH1S—3

★HR 2995 IH1S—4